

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES M. KEITGES,

Plaintiff,

v.

DOMINA LAW GROUP, PC LLO, ET
AL., DAVID A. DOMINA, Individually
and In His Official Capacity as an
Officer of the Court, and JAMES F.
CANN, Individually and In His Official
Capacity as an Officer of the Court,

Defendants.

CASE NO. 8:08CV319

MEMORANDUM
AND ORDER

This matter is before the court on Plaintiff's Objection to Order and Judgment (Filing No. [80](#)), Motion for Recusal (Filing No. [82](#)), Motion for Relief from Judgment (Filing No. [87](#)), Motion for Reconsideration (Filing No. [90](#)), and Amended Motion for Relief from Judgment (Filing No. [104](#)). On June 1, 2009, the court determined that Plaintiff's claims were barred by the applicable statute of limitations. (Filing No. [78](#).) The court therefore dismissed this matter and entered judgment in favor of Defendants. (*Id.*; Filing No. [79](#).) On June 11, 2009, Plaintiff filed the pending Motions, with the exception of the Amended Motion for Relief from Judgment, which Plaintiff filed on July 7, 2009. (Filing No. [104](#).) Plaintiff's Motions are duplicative and generally request reconsideration of the court's Memorandum and Order dismissing this matter.

As set forth in this court's Local Rules:

Motions for reconsideration are disfavored, and the court will ordinarily deny them without a showing of (1) manifest error in the prior ruling or (2) new facts or legal authority, neither of which could have been brought to the court's attention earlier with reasonable diligence.

[NECivR 60.1\(c\)](#). The court has carefully reviewed all of the pending Motions. Plaintiff has not shown manifest error or any new facts or legal authority. Instead, Plaintiff simply

reargues the merits of his claims, presenting nearly identical arguments and authority he previously presented in opposition to Defendants' Motion for Summary Judgment. Such arguments are not a proper basis for a motion for reconsideration and the motions seeking reconsideration or alteration of the court's previous Memorandum and Order and Judgment are denied.

In his Motion for Recusal, Plaintiff asserts that the undersigned judge is biased for issuing a ruling against Plaintiff based on "a distorted conception of law and facts." (Filing No. [85](#) at CM/ECF p. 5.) In short, Plaintiff argues that the undersigned judge must recuse herself because the previous Memorandum and Order and Judgment were wrongly decided. However, "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion Almost invariably, they are proper grounds for appeal, not for recusal." [Liteky v. United States, 510 U.S. 540, 555 \(1994\)](#); see also [Dossett v. First State Bank, 399 F.3d 940, 953 \(8th Cir. 2005\)](#) (citing *Liteky* and finding recusal not warranted where the plaintiff complained of bias only because of adverse rulings). If Plaintiff disagrees with the court's rulings, he should file an appeal, but recusal is not warranted under these circumstances.

IT IS THEREFORE ORDERED that: Plaintiff's pending motions are denied in their entirety.

DATED this 4th day of September, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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